



Patent  
Attorney Docket No. 54113.8005.US02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: DePAOLI, Alex M. et al.

APPLICATION NO.: 10/623,189

FILED: July 18, 2003

FOR: USE OF LEPTIN FOR TREATING HUMAN  
LIPOTROPHY AND METHODS OF DETERMINING  
PREDISPOSITION TO SAID TREATMENT

EXAMINER:

ART UNIT:

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited on January 13, 2004, with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Deborah Muench*  
DEBORAH MUENCH

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**WITHIN THREE MONTHS OF APPLICATION FILING OR BEFORE FIRST**  
**ACTION – 37 C.F.R. § 1.97(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**1. Timing of Submission**

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 C.F.R. § 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

**2. Cited Information**

Copies of the following references are enclosed:

All cited references  
 References marked by asterisks  
 The following: C45-C46.

Copies of the following references can be found in parent U.S. Application No. :  
  
 All cited references  
 References marked by asterisks  
 The following:

This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).

The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

All cited references  
 References marked by ampersands  
 The following:

### 3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

### 4. Fee Payment

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action.

Applicant further submits that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):

In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; or

In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the

certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.

However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. **50-2586**.

**5. Patent Term Adjustment (37 C.F.R. § 1.704(d))**

The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).  
 Please charge \_\_\_\_\_ to Deposit Account No. **50-2586** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Deposit Account No. **50-2586**.

Respectfully submitted,  
Perkins Coie LLP

Dated: January 13, 2004

By:

  
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**SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
Form PTO-1449 (Modified)  
(Use several sheets if necessary)

JAN 16 2004

**COMPLETE IF KNOWN**

Application Number	10/623,189
Confirmation Number	
Filing Date	July 18, 2003
First Named Inventor	DePaoli, Alex M. et al.
Group Art Unit	
Examiner Name	
Attorney Docket No.	54113.8005.US02

Sheet 1 of

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		NUMBER	Kind Code (if known)			
	A24	6,258,932		Vahline, et al.		

  

FOREIGN PATENT DOCUMENTS							
Examiner Initial	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		Office	NUMBER	Kind Code (if known)			

  

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS							
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.					T
	C45	BERG, Jens P., "Leptin is a potent Anti-diabetic in Mice with Lipodystrophy and Insulin Resistance," <i>European Journal of Endocrinology</i> 2000; 142:114-116.					
	C46	HADIGAN, Colleen, et al., "Metformin in the Treatment of HIV Lipodystrophy Syndrome," <i>Journal of the American Medical Association</i> July 26, 2000; 284:4:472-477.					

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).</p>	